

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 28, 2005

D047449 Hayes v. La Jolla Canyon Gardens, LLC

Appellant's declaration in response to this court's November 7, 2005, order has been read and considered by Presiding Justice McConnell and Associate Justices Haller and O'Rourke. The request for permission to appeal received on November 14, 2005 is denied. (Code Civ. Proc., section 391.7, subd. (b).) The appeal filed on October 28, 2005, is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 29, 2005

D046971 Marie W. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. O'Rourke, J.; We Concur: Benke, Acting P.J., Irion, J.

D047206 Guishard v. Day

Pursuant to California Rules of Court, rule 8, the appeal filed September 20, 2005, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal.

D047549 In re Amariah Z., a Juvenile

The notice of appeal has been reviewed by Justices Nares, O'Rourke and McDonald. The notice of appeal is untimely. The appeal is dismissed.

D047439 Pearson v. Pearson

The appellant having failed to timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 1(c)(5)).

D045693 Huberman et al. v. Lutz et al.

The summary judgment in favor of plaintiffs/cross-defendants is reversed, as is the order denying summary adjudication to defendants/cross-complainants. The matter is remanded to the trial court with directions to grant defendants/cross-complainants' summary adjudication motion as to the interpretation of paragraph 5.22, and to conduct further appropriate proceedings. Each party shall bear its own costs on appeal. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D047481 Freeman v. The Superior Court of San Diego County/People

The petition is denied.

D046171 Darulis v. City of San Diego

Reversed and remanded. Irion, J.; We Concur: McConnell, P.J., Haller, J.

D047480 In re Freeman on Habeas Corpus

The petition is denied without prejudice.

D045328 People v. Konrardy

The judgment is reversed as to the sentence only. Upon remand, the trial court shall comply with the requirements of Penal Code section 1193. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D047545 People v. Clemans

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

D047375 Manasa J. et al., v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 29, 2005 (Continued)

**D047510 Jeld-Wen, Inc. v. Superior Court of San Diego County/National Roofing
Consultants, Inc.**

The petition is denied.

**D046084 National Staff Network et al. v. Workers' Compensation Appeals Board/Mann-
Harrison**

The decision of the Board is annulled, and the matter is remanded for further proceedings consistent with this opinion. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 30, 2005

D044750 Fava v. Solar Turbines, Inc.

Judgment affirmed. Appellant to pay respondent's costs on appeal. Haller, J.;
We Concur: McConnell, P.J., O'Rourke, J.

D045313 People v. Hassler

The judgment is reversed. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

**D045274 Citizens for Responsible Equitable Environmental Development v. City of San
Diego Redevelopment Agency et al./Horton Land LLC et al.**

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Huffman, Acting
P.J., Irion, J.

D044922 People v. Gill

Reversed and remanded with directions to conduct further proceedings consistent with this opinion.
McDonald, J.; We Concur: Nares, Acting P.J., Irion, J.

**D047068 Sarah H. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. McDonald, J.; We Concur: Nares, Acting P.J., Irion, J.

D047236 Jeld-Wen, Inc. v. Superior Court of San Diego County/South Coast Sheet Metal

The petition is denied.

**D047139 Marie W. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 1, 2005

D046525 People v. Calvert

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D046553 In re Maya K., a Juvenile

The jurisdictional order is affirmed. The order on disposition is reversed and the matter is remanded for a new disposition hearing. Haller, J.; We Concur: Huffman, J., Irion, J.

D045481 Black Historical Society v. City of San Diego et al./Wakeland Housing and Development et al.

The opinion filed November 4, 2005, is ordered certified for publication.

D047402 Makalani H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Makalani H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed. The case is dismissed.

D047275 Williams v. Ulibarri

Pursuant to California Rules of Court, rule 8, the appeal filed October 3, 2005, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5 (a)).

D047109 Keith v. San Diego Trolley, Inc.

On the court's own motion the appeal filed on September 6, 2005, is reinstated. Appellant's "Petition For Rehearing/Vacate Your Dismissal Of My Appeal" filed on November 7, 2005, has been read and considered by Presiding Justice McConnell and Associate Justices Huffman and Haller. The petition for rehearing and the motion to vacate are denied. The appeal is dismissed.

D047263 Lopez et al. v. Superior Court of San Diego County/Stanly

The petition is denied.

D044925 Friskopp v. Silverstein

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear her own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 2, 2005

D044590 People v. Jackson

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D045678 People v. Robinson

The judgment is reversed with respect to the trial court's application of the sentencing enhancement under section 186.22, subdivision (b)(1)(C), but is affirmed in all other respects. The case is remanded for resentencing consistent with this opinion. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D046675 In re Anthony M. Jr., a Minor on Habeas Corpus

The trial court is directed to vacate the jurisdiction and disposition findings and orders and, if the matter is not resolved, hold a new jurisdiction hearing, proper notice of which shall be served on the parties. This opinion is final as to this court 10 days from the date of this filing. (Rule 24(b)(3)). McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D044348 Martinez et al. v. Fire Insurance Exchange

The judgment is reversed in part to permit further proceedings on only the ALE damages claim under the breach of contract and bad faith theories. The balance of the judgment is affirmed, regarding the remainder of the rulings in limine and the dismissal after demurrer. Defendant Fire is to pay all costs on appeal. Huffman, Acting P.J.; We Concur: Haller, J., Irion, J.

D046956 San Diego County Department of Social Services v. Superior Court of San Diego County/Miguel S., a Minor

Let a writ of mandate issue directing the juvenile court to vacate its order dated June 14, 2005, retaining an independent attorney and authorizing payment of the independent attorney from the County treasury and enter an order appointing a guardian ad litem for the dependent child. This opinion shall become final 10 days from the date of filing. (Rule 24(b)(3)). CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

D045106 People v. Gordon

The judgment is affirmed as modified. The matter is remanded with directions to the trial court to modify the judgment consistent with this opinion and forward a copy of the modified abstract of judgment to the Department of Corrections. McIntyre, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D046216 In re C.C., a Juvenile

D046609 In re Wayne H. on Habeas Corpus

(Consolidated) Modification of opinion with no change in judgment.

D045438 North Coast Women's Care Medical Group Inc., et al. v. Superior Court of San Diego County/Benitez

Let a writ of mandate issue directing the superior court to vacate its order of October 28, 2004, granting plaintiff Guadalupe Benitez's motion for summary adjudication of defendants' 32d affirmative defense as to defendants Dr. Brody and Dr. Fenton, and to enter an order denying the motion for summary adjudication as to those defendants. The parties are to bear their own costs in the writ proceeding. The stay issued on March 2, 2005, will be vacated when the opinion is final as to this court. CERTIFIED FOR PUBLICATION O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 2, 2005 (Continued)

D046348 Friese v. Superior Court of San Diego County/Moores et al.

Let a writ of mandate issue directing the trial court to vacate its order sustaining the defendants' demurrers to the trustee's insider trading claims and enter an order overruling the demurrers to the insider trading claims. Costs in the writ proceeding are awarded to the trustee. CERTIFIED FOR PUBLICATION
Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.